

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4498 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GSRTC

Versus

NATHUBHAI MALDEVBHAI

Appearance:

MR KS JHAVERI for Petitioner

MR HK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 01/10/97

ORAL JUDGEMENT

Heard Mr.Zaveri for the petitioner and Mr. Rathod for the respondent. In the present proceeding, main controversy is as to whether the respondent workman can be transferred without consultation with the Union representative. He apprehended such transfer, and therefore, he filed a proceeding before the Industrial Tribunal at Rajkot. The learned Judge, having passed interim order, this petition was filed. Rule was issued

on 26/6/1997 making it returnable on 4/7/1997. After the matter was heard for some time, Mr. Zaveri makes a statement that though the petitioner Corporation is not happy with the conduct of the respondent and is thinking of transferring him, they will not so transfer, unless they have consultation with the Union representative as per the settlement. Mr. Rathod has placed on record the subsequent order dt. 12/9/1997 passed by the Tribunal which is an interim order and which states that the workman concerned may not be transferred except after following due process of law. In view of the statement made by Mr. Zaveri, Mr. Rathod states that the complaint (IT) 42/97 filed by the respondent in the Tribunal will be withdrawn. In view of the statements of Mr. Zaveri, and Mr. Rathod, nothing is required to be done further in the matter. Rule is discharged, with no order as to costs.

Mr. Zaveri submits that it is necessary to consider the manner in which the Industrial Tribunal had passed the interim order in the matter. That can be done in some other fit case. In the present case, in view of the above development, main controversy is resolved, I do not think it proper to consider the same.

Date: 1/10/1997. (H.L.GOKHALE,J.)
(ccs)